

PHARMACY EXAMINING BOARD
REGULAR MEETING
FEBRUARY 12, 2002

MEMBERS PRESENT: Cynthia Benning, RPH; Michael Bettiga, RPH; Georgina Forbes;
Dan Luce, RPH; Charlotte Rasmussen; Sue Sutter, RPH

MEMBER EXCUSED: John Bohlman, RPH

LEGAL COUNSEL: William Black

STAFF PRESENT: Deanna Zychowski, Karen Rude-Evans

GUESTS: F. LaDien, Walgreen Co.; Susan Kleppin, PSW; Jamie Statz
Paynter, Dean Pharmacy; Karen Merrill, Albertsons; Nejazi
Bajrami; students from UW-School of Pharmacy

CALL TO ORDER

Chair Sue Sutter called the meeting to order at 9:10 a.m.

APPROVAL OF AGENDA

Amendments: -Discussion of the matter concerning Women's International Pharmacy
-Suspension and surrender of license – Luigi N. Miceli, R.Ph.
-Personal appearance and review of Board Order – Michael J. O'Kray, R.Ph.
-Review of monitoring information – Jeffrey Verzal, R.Ph.
-Theft and loss report
-Memo from Legislative Fiscal Bureau relating to Prescription Drug Assistance
Proposal

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 8, 2002

Corrections: -On page 3, under REVIEW OF PHARMACY INTERNSHIP..., in the first
sentence, insert "rules" after the word "permanent".
-On page 5, under *REGULATORY DIGEST*, change the sentence to read, "The
next *Regulatory Digest* is being worked on."

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to approve the
Minutes of January 8, 2002, as corrected. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Secretary Oscar Herrera spoke to the Board about the budget deficit and how it has affected the various agencies. Secretary Herrera also answered questions from the Board regarding the DRL reorganization. The new Deputy Secretary, Greg Horstman, was introduced to the Board. Mr. Horstman gave a brief synopsis of his background and said he looks forward to working with the Board.

PUBLIC HEARING ON PROPOSED EMERGENCY RULES RELATING TO PHARMACY INTERNSHIP

Chair Sue Sutter called to order at 9:15 a.m. the public hearing on proposed emergency rules relating to pharmacy internship. One speaker registered and spoke about the confusion relating to the internship rules as relates to foreign graduates. The hearing was adjourned at 9:27 a.m.

DISCUSSION OF PROPOSED MEETING WITH SECRETARY HERRERA RELATING TO REORGANIZATION PLAN

A meeting has been scheduled for March 6, 2002, with Secretary Herrera and representatives of all the health boards to discuss the reorganization of DRL. Michael Bettiga will attend the meeting, and Sue Sutter will try to attend, however she also has another obligation that day.

PRESENTATION OF PROPOSED STIPULATIONS

There were no stipulations.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

REVIEW AND REVISE PHARMACY INTERNSHIP PERMANENT RULES

The Board reviewed and revised the draft of the permanent rules relating to pharmacy internship. Legal counsel will make the revisions and bring the draft back to the Board for further review.

INTERNSHIP FORMS AND PROCEDURES

The Board reviewed the internship forms and procedures and made some revisions. The revisions will be made and brought back to the Board for further review.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to authorize Sue Sutter to review internship applications and issues, and to approve internship hours under the former PIB, and to bring any problems to the Board. Motion carried unanimously.

UPDATE ON STATUS OF CE RULES

Legal counsel updated the Board on the status of CE rules.

REQUEST FOR SPEAKER AT UW SCHOOL OF PHARMACY

MOTION: Michael Bettiga moved, seconded by Dan Luce, to authorize Sue Sutter and Cynthia Benning to speak at the UW-School of Pharmacy on March 12, 2002. Motion carried unanimously.

DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the distributor's applications of **Allegiance Healthcare, IL; Caremark, Inc., IL; Great Lakes Home Medical, CA; Home Medical Products, Rhinelander; McKesson Drug Company, CA; Nova Factor, NC; Novavax, Inc., MO; Pharmaceutical Corporation of America, IN; Purdue Pharmaceuticals, LP, NC; South Pointe Wholesale, Inc., KY, and USL Pharma, Inc., CO.** Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the manufacturer license of **Home Medical Products, Rhinelander.** Motion carried unanimously.

REVIEW OF APPLICATIONS FOR MANUFACTURERS LICENSES

HOME MEDICAL PRODUCTS AND SERVICES, RICE LAKE, SUPERIOR, HURLEY AND ASHLAND

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the manufacturers licenses **Home Medical Products and Services** in Rice Lake, Superior, Hurley and Ashland. Motion carried unanimously.

DISTRIBUTOR APPLICATIONS

Some inspections of oxygen distributors have revealed that the information submitted on their self-inspection form does not reflect their actual practice. The Board wants the department inspector, Alfred Hall, to submit information on these distributors to DOE for investigation.

THEFT AND LOSS REPORT

The Board discussed the format of the Theft and Loss Report. The Board would like DOE to send a follow-up letter to pharmacies asking for more information when the loss is significant.

VARIANCE REQUESTS

CLINIC PHARMACY OF CHIPPEWA FALLS, CHIPPEWA FALLS

MOTION: Dan Luce moved, seconded by Cynthia Benning to approve the variance request of Clinic Pharmacy of Chippewa Falls, Chippewa Falls. Motion carried unanimously.

MORTON PHARMACY, NEENAH

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to approve the variance request of Morton Pharmacy, Neenah. Motion carried unanimously.

REQUEST FOR WAIVER OF LICENSURE

HOSPICE PHARMACIA, PA

Legal counsel will correspond with Hospice Pharmacia, PA, that a license is not necessary.

PRACTICE QUESTIONS

The Board reviewed the practice questions and directed legal counsel to reply.

CORRESPONDENCE RELATING TO INDIVIDUALS RECEIVING METHADONE TREATMENT

The Board reviewed the correspondence

ACPE STATEMENT OF VALID CE CREDITS

This item was informational.

NABP – DRUG PRODUCT FORMULATION CHANGES

This was a resolution at the last annual meeting.

NABP – MPJE UPDATE

Cynthia Benning will attend one of the sessions to review examination questions.

MEMO FROM LEGISLATIVE FISCAL BUREAU RELATING TO PRESCRIPTION DRUG ASSISTANCE PROPOSAL

This bill has been drafted and is sponsored by Senator Kimberly Plache. A co-sponsor is needed before this bill can proceed. The Board wants to keep track of this legislation.

REPORT OF CONTROLLED SUBSTANCES BOARD

The CSB held a hearing on the descheduling of GBL. The Board decided to hold the GBL rule until April and then consider further action. Proposed rules relating to classifying dichloralphenazone as a schedule IV controlled substance under federal law were sent to the Clearinghouse.

REGULATORY DIGEST

The *Regulatory Digest* is on hold until the permanent rules relating to internships can be published.

RECESS TO CLOSED SESSION

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of considering requests for stays of suspensions and modifications in board orders, reviewing applications, reviewing case status reports, discussion of examination issues and consulting with legal counsel. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, Georgina Forbes – yes, Dan Luce – yes, Charlotte Rasmussen – yes, Sue Sutter – yes. Motion carried unanimously.

Open session recessed at 12:46 p.m.

RECONVENE IN OPEN SESSION

MOTION: Charlotte Rasmussen moved, seconded by Michael Bettiga, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:54 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PERSONAL APPEARANCE

MICHAEL J O'KRAY, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to increase the urine screens to eight (8) per month for Michael J. O'Kray, R.Ph. Motion carried unanimously

REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

PHILIP DALLMAN, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension to Philip Dallman, R.Ph. Motion carried unanimously.

ROGER IVERSON, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to Roger Iverson, R.Ph. Motion carried unanimously.

DAVID KLEINGARTNER, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension to David Kleingartner, R.Ph. Motion carried unanimously.

JANET KRUEGER, RPH

MOTION: Cynthia Benning moved, seconded by Dan Luce, to grant a three-month stay of suspension to Janet Krueger, R.Ph. Motion carried unanimously.

MARILYN KUHRT, RPH

MOTION: Michael Bettiga moved, seconded by Dan Luce, to grant a three-month stay of suspension to Marilyn Kuhrt, R.Ph. Motion carried unanimously.

DONALD LEETZ, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension to Donald Leetz, R.Ph. Motion carried unanimously.

LUIGI N MICELI, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to suspend the license of Luigi N. Miceli, R.Ph. Motion carried unanimously.

JEFFREY C VERZAL, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to suspend the license of Jeffrey C. Verzal, R.Ph. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to close complaint **01 PHM 067** for compliance gained. Case advisor was Dan Luce. Motion carried unanimously.

WOMEN'S INTERNATIONAL PHARMACY

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to refer Women's International Pharmacy to DOE for possible non-compliance of payment of costs. Motion carried unanimously.

INFORMATIONAL ITEMS

The Board noted the informational items.

ADJOURNMENT

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:04 p.m.

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